

B-09-1617

EXHIBIT “A(2)”

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MICHAEL BAKER, INDIVIDUALLY
AND WIFE, MARIA NORI BAKER,
Plaintiffs

VS.

ARAMARK HEALTH
SUPPORT SERVICES TEXAS, INC.
Defendant

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CIVIL ACTION NO. _____

FEDERAL COURT ORIGINAL ANSWER OF
ARAMARK HEALTHCARE SUPPORT SERVICES, LLC

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, ARAMARK Healthcare Support Services, LLC, *incorrectly sued as ARAMARK Healthcare Support Services Texas, Inc.* ("ARAMARK"), Defendant in the above-entitled and numbered civil action, and in response to Plaintiffs' Original State Court Petition ("Plaintiffs' Original Petition") files its Federal Court Original Answer as follows:

I.

1. Defendant states Plaintiffs have improperly named Defendant in Paragraph 1 of Plaintiffs' Original Petition.

2. Defendant is without sufficient information to admit or deny Paragraph 2 of Plaintiffs' Original Petition.

3. Defendant is without sufficient knowledge to admit or deny Plaintiffs' address as stated in Paragraph 3 of Plaintiffs' Original Petition.

4. Defendant states Plaintiffs have improperly named Defendant in Paragraph 4 of Plaintiffs' Original Petition. Defendant, ARAMARK Healthcare Support Services, LLC, was incorporated in the State of Delaware and its principal place of business is in Pennsylvania.

5. Defendant admits venue properly lies in Cameron County, Texas.

6. Defendant admits the accident made the basis of this suit occurred on or about April 21, 2008 at Valley Baptist Medical Center in Brownsville, Texas as stated in Paragraph 6 of Plaintiffs' Original Petition. Defendant is without sufficient knowledge to admit or deny the remainder of the factual allegations of Paragraph 6 of Plaintiffs' Original Petition.

7. Defendant denies the factual allegations of Paragraph 7 of Plaintiffs' Original Petition.

8. Defendant denies the factual allegations of Paragraph 8 of Plaintiffs' Original Petition.

9. Defendant is without sufficient knowledge to admit or deny the factual allegations of Paragraph 9 of Plaintiffs' Original Petition.

10. Defendant admits it provided management services for Valley Baptist Medical Center on April 21, 2008, but denies the remainder of the allegations in Paragraph 10 of Plaintiffs' Original Petition.

11. Defendant admits it provided management services for Valley Baptist Medical Center on April 21, 2008, but denies the remainder of the allegations in Paragraph 11 of Plaintiffs' Original Petition.

12. Defendant denies the allegations contained in Paragraph 12 of Plaintiffs' Original Petition.

13. Defendant denies the allegations contained in Paragraph 13 of Plaintiffs' Original Petition.

14. Defendant denies the allegations contained in Paragraph 14, including subparagraphs A – H, of Plaintiffs' Original Petition.

15. Defendant denies the allegations contained in Paragraph 15 of Plaintiffs' Original Petition.

16. Defendant denies the allegations contained in Paragraph 16, including subparagraphs A – G, of Plaintiffs' Original Petition.

17. Defendant denies the allegations contained in Paragraph 17 of Plaintiffs' Original Petition.

18. Defendant admits it provided management services to Valley Baptist Medical Center on April 21, 2008, but denies the remaining allegations in Paragraph 18 of Plaintiffs' Original Petition.

19. Defendant denies the allegations contained in Paragraph 19 of Plaintiffs' Original Petition.

20. Defendant denies the allegations contained in Paragraph 20 of Plaintiffs' Original Petition.

21. Defendant denies the allegations contained in Paragraph 21 of Plaintiffs' Original Petition.

22. Defendant denies the allegations contained in Paragraph 22 of Plaintiffs' Original Petition.

23. Defendant denies the allegations contained in Paragraph 23, including subparagraphs 1 – 6, of Plaintiffs' Original Petition.

24. Defendant denies the allegations contained in Paragraph 24, including sub-paragraphs A – H, of Plaintiffs’ Original Petition.

25. Page 8 of Plaintiffs’ Original Petition is missing. Defendant denies the remainder of sub-paragraph 3, and sub-paragraphs 4 and 5.

26. Defendant denies the allegations contained in the paragraph entitled “Proximate Cause” of Plaintiffs’ Original Petition.

27. Defendant denies the allegations contained in the paragraph entitled “Exemplary Damages” of Plaintiffs’ Original Petition.

28. Defendant denies the allegations contained in the paragraph entitled “Damages for Plaintiffs”, including sub-paragraphs A – O, and sub-paragraphs A – F, of Plaintiffs’ Original Petition.

III.

AFFIRMATIVE DEFENSES

Pleading further, and in the alternative, Defendant says the occurrence in question as well as the damages complained of herein were proximately caused or producingly caused, in whole or in part, by the acts, omissions, fault, negligence, responsibility or other conduct on the part of Plaintiffs and/or responsible third parties for whom Defendant is not legally responsible.

IV.

JURY DEMAND

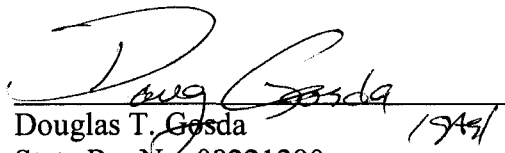
Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Defendant hereby requests this case be placed on the jury docket.

WHEREFORE, PREMISES CONSIDERED, ARAMARK Healthcare Support Services, LLC, *incorrectly sued as ARAMARK Healthcare Support Services Texas, Inc.*, Defendant, prays

that Plaintiffs take nothing by this suit, and that ARAMARK Healthcare Support Services, LLC, *incorrectly sued as ARAMARK Healthcare Support Services Texas, Inc.* recovers all costs and attorneys' fees incurred in the defense of Plaintiffs' claims, and for such other and further relief to which ARAMARK Healthcare Support Services, LLC, *incorrectly sued as ARAMARK Healthcare Support Services Texas, Inc.* may be justly entitled.

Respectfully submitted,

By:


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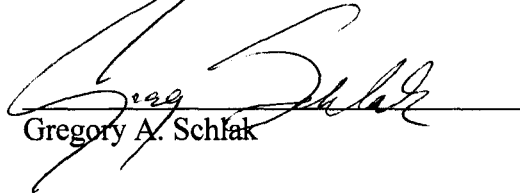
CERTIFICATE OF SERVICE

I hereby certify that I have complied with Rule 5 of the Federal Rules of Civil Procedure, that the original of the foregoing instrument has been filed in the Office of the United States District Clerk for the Western District of Texas, San Antonio Division, together with this proof of service thereof, and that a true and correct copy of same has been forwarded on the 26 day of June, 2009, via United States mail, certified mail, return receipt requested, facsimile or hand delivery to counsel for Plaintiff as follows:

Mr. Bill Harrison
LAW OFFICE OF RAMON GARCIA, PC
222 West University Drive
Edinburg, Texas 78539

MANNING, GOSDA & ARREDONDO, L.L.P.

By:


Gregory A. Schlaf